

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
CRIMINAL CASE NO. 1:22-cr-00016-MR-WCM
CRIMINAL CASE NO. 1:23-cr-00037-MR-WCM**

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
vs.)	<u>ORDER</u>
)	
SHAWN THOMAS JOHNSON,)	
)	
Defendant.)	
_____)	

THIS MATTER is before the Court on the Defendant's *pro se* "Motion to Correct and Reduce Sentence" [Case No. 1:22cr16, Doc. 94; Case No. 1:23cr37, Doc. 20] and the Defendant's *pro se* "Notice of Appeal" [Case No. 1:22cr16, Doc. 95, Case No. 1:23cr37, Doc. 21].

On March 25, 2022, in Case No. 1:22cr16, the Defendant Shawn Thomas Johnson pled guilty to one count of bank fraud, in violation of 18 U.S.C. § 1344. [Case No. 1:22cr16, Docs. 1, 3]. On June 16, 2023, in Case No. 1:23cr37, the Defendant pled guilty to one count of possession of a firearm after having been convicted of a felony, in violation of 18 U.S.C. § 922(g)(1). [Case No. 1:23cr37, Docs. 1-3, 8]. On December 14, 2023, the Defendant was sentenced to a term of 92 months' imprisonment in Case No.

1:22cr16 and a term of 92 months' imprisonment in Case No. 1:23cr37, to be served concurrently. [Id., Doc. 92]. The Defendant has been at all times throughout these proceedings represented by retained counsel. Counsel has filed a notice of appeal on behalf of the Defendant. [Case No. 1:22cr16, Doc. 99; Case No. 1:23cr37, Doc. 24].

By the present *pro se* filings, the Defendant moves to correct and reduce his sentence and to appeal the Judgment. [Case No. 1:22cr16, Docs. 94, 95; Case No. 1:23cr37, Docs. 20, 21].¹

The Defendant's *pro se* filings are procedurally improper. The Defendant is currently represented by retained counsel. The Court does not ordinarily entertain motions filed by a criminal defendant who is represented by counsel and who has not formally waived his right to counsel. See LCrR 47.1(g). Moreover, counsel already has filed a notice of appeal on behalf of the Defendant. As such, the Defendant's notice of appeal is redundant.

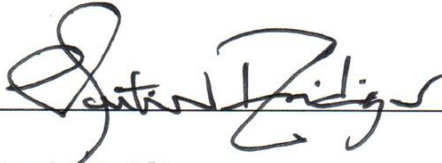
IT IS, THEREFORE, ORDERED that the Defendant's *pro se* "Motion to Correct and Reduce Sentence" [Case No. 1:22cr16, Doc. 94; Case No.

¹ The Defendant also has written a letter addressing an alleged "potential miscarriage of justice in the sentence, judgment, and forfeiture order of the Court...." [Case No. 1:22cr16, Doc. 97 at 1; Case No. 1:23cr37, Doc. 23 at 1]. In addition to being procedurally improper under Local Criminal Rule 47.1(g), these letters are subject to being stricken on the basis that a party cannot seek relief through the filing of letters. Only motions will be ruled on by the Court.

1:23cr37, Doc. 20] and the Defendant's *pro se* "Notice of Appeal" [Case No. 1:22cr16, Doc. 95; Case No. 1:23cr37, Doc. 21] are hereby **STRICKEN** as procedurally improper.

IT IS SO ORDERED.

Signed: January 15, 2024



Martin Reidinger
Chief United States District Judge

